

AMENDED IN ASSEMBLY JUNE 26, 2003

AMENDED IN SENATE JUNE 3, 2003

AMENDED IN SENATE MAY 19, 2003

SENATE BILL

No. 656

Introduced by Senator Sher
(Coauthor: Assembly Member Chan)

February 21, 2003

An act to add Section 39614 to the Health and Safety Code, relating to air quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 656, as amended, Sher. Air quality: particulate matter.

(1) Existing law designates the State Air Resources Board as the state agency charged with coordinating efforts to attain and maintain ambient air quality standards. Existing law designates the state board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law requires district plans for attaining state ambient air quality standards to assess the cost-effectiveness of available and proposed emission control measures.

This bill would require the state board, not later than July 31, 2004, to identify a list of all readily available, feasible, and cost-effective control measures, based on rules, regulations, and programs existing as of January 1, 2004, that could be employed by the state board and the districts to reduce emissions of PM 10 and PM 2.5 from new and existing stationary and area sources. The bill would also require the

state board, together with the districts, to identify a list of all readily available, feasible, and cost-effective measures that could be employed by the state board and local air districts to reduce PM 10 and PM 2.5 from diesel-powered engines in stationary and mobile applications. The bill would also require the state board and the districts to adopt implementation schedules for measures on those lists. The bill would require the state board and the districts, in implementing those measures, to endeavor to reduce particulate emissions from stationary, mobile, and area sources, and diesel-powered vehicles and equipment, to the maximum extent feasible. The bill would require the state board and each district to adopt all available, feasible, and cost-effective measures by the earliest practicable date to reduce health risks from particulate air pollution and to achieve state ambient air standards for particulate matter. The bill would require the determination of whether a measure is cost-effective to be made based upon the process utilized by districts in preparing attainment plans. By imposing additional duties on districts, this bill would impose a state-mandated local program.

(2) Existing law makes a violation of any rule, regulation, permit or order of the state board or a district a misdemeanor.

By expanding the scope of a crime, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) The body of scientific evidence demonstrating health
4 effects related to particulate matter exposure has grown
5 tremendously over the past 10 years, and presents a compelling
6 public health case for reducing emissions and exposures.

7 (2) Both coarse and fine particulate matter (PM 10 and PM 2.5,
8 respectively) are linked in scientific literature to a range of serious
9 health impacts, including premature mortality, acute and chronic
10 bronchitis, asthma attacks and emergency room visits, upper
11 respiratory illnesses, and days with work loss.

12 (3) Exposure to particulate pollution is particularly dangerous
13 for sensitive groups including, but not limited to, the elderly,
14 individuals with asthma and other lung illnesses, infants, and
15 children.

16 (4) Recent scientific literature on particulate matter
17 demonstrates serious health impacts in infants and children
18 including, but not limited to, mortality, reduced birth weight,
19 premature birth, asthma exacerbation, and acute respiratory
20 infections.

21 (5) The state board recently reviewed the particulate matter air
22 quality standard pursuant to the Children's Environmental Health
23 Protection Act (Chapter 731 of the Statutes of 1999) and based on
24 that review, tightened the existing PM 10 annual standard and
25 added a stringent new PM 2.5 annual standard.

26 (6) The state board has recently estimated that attaining the
27 state ambient air quality standards for particulate matter would
28 prevent 6,500 cases of premature mortality per year, 3,000
29 hospitalizations per year for cardiovascular and respiratory
30 illnesses, including, but not limited to, chronic obstructive
31 pulmonary disease (COPD), and pneumonia, 340,000 asthma
32 attacks and 32,000 cases of bronchitis in children, as well as 2.8
33 million lost work days.

34 (7) The dramatic increase in statewide asthma rates among the
35 general population, especially among children, provide a
36 compelling reason to reduce pollutants including, but not limited
37 to, particulate matter that have been proven to trigger asthma
38 attacks and worsen asthma symptoms.

1 (8) The state board has adopted a statewide risk reduction plan
2 for reducing diesel particulate matter emissions by 2010, however
3 it is necessary to ensure the prompt implementation of that plan
4 and its particulate reduction goals.

5 (9) The vast majority of the state is designated a nonattainment
6 area for the state ambient air quality standards for particulate
7 matter and is subject to the serious and wide-ranging health
8 impacts described in this section.

9 (10) One component of particulate matter pollution, diesel
10 particulate matter, has been identified as a toxic air contaminant by
11 the state board based upon the cancer risk posed by public
12 exposure to this pollutant. In order to be effective, control
13 measures to reduce particulate pollution need to control not only
14 diesel particulate and other directly emitted PM 10 and PM 2.5, but
15 also control precursors that contribute to formation of particulate
16 matter, including, but not limited to, oxides of nitrogen, sulfur
17 oxide, reactive organic gases and ammonia.

18 (11) The health impacts of particulate matter can be even more
19 serious than other pollutants already addressed through state and
20 local air quality planning efforts including, but not limited to,
21 ozone, and the cost of particulate controls may be higher than
22 controls for ozone and other criteria air pollutants;

23 (12) Data from the existing air monitoring network, emission
24 inventory, and other scientific studies can be used to identify
25 sources of particulate pollution and prioritize control measures for
26 that pollution and its precursors.

27 (13) The United States Environmental Protection Agency has
28 recently begun the process to implement the federal fine
29 particulate standard and to designate area attainment status.
30 However, attainment of the federal standards is at least a decade
31 in the future and the federal standard is less stringent and
32 protective of public health than the state particulate standard.

33 (b) The Legislature therefore declares that it is essential that the
34 state board and the districts take all readily available, feasible, and
35 cost-effective measures to reduce the public's exposure to
36 particulate matter emissions to the maximum extent feasible.

37 SEC. 2. Section 39614 is added to the Health and Safety Code,
38 to read:

39 39614. (a) Not later than July 31, 2004, the state board shall
40 do both of the following:

(1) Identify a list of all readily available, feasible, and cost-effective control measures, based on rules, regulations, and programs existing as of January 1, 2004, that could be employed by the state board and the districts to reduce emissions of PM 10 and PM 2.5. The list shall include measures to reduce emissions from new and existing stationary and area sources. In developing the list, the state board shall take into account information it determines to be appropriate and relevant from emissions inventories, air monitoring data, and other scientific studies, including, but not limited to, information associated with compliance with the federal ambient air standards for particulate matter. The list shall include control measures for all of the following emission source categories:

- (A) Stationary combustion sources.
- (B) Woodstoves and fireplaces.
- (C) Commercial grilling operations.
- (D) Agricultural burning.
- (E) Construction and grading operations.

(2) Together with the districts, identify a list of all readily available, feasible, and cost-effective measures that could be employed by the state board and local air districts to reduce PM 10 and PM 2.5 from diesel powered engines in stationary and mobile applications, including, but not limited to, measures that do any of the following:

(A) Utilize available federal, state and local funds, including, but not limited to, Congestion Management and Air Quality Improvement funds, to upgrade and replace heavy-duty engines with cleaner alternatives.

(B) Promote or require local government solicitations that reward utilization of lower emitting heavy-duty vehicles and equipment.

(C) Establish heavy-duty vehicle idling restrictions.

(D) Nothing in this paragraph is intended to alter or affect the authority of the state board or a district over diesel-powered engines established pursuant to this division.

(b) Not later than July 31, 2005, after a noticed public hearing, the state board shall adopt an implementation schedule for the state measures on the lists developed pursuant to subdivision (a) and the districts shall adopt an implementation schedule for the local measures on those lists. The state board and the districts, in

1 implementing those measures, shall endeavor to reduce particulate
2 emissions from stationary, mobile, and area sources, as well as
3 diesel powered vehicles and equipment, to the maximum extent
4 feasible.

5 (c) The state board and each district shall adopt all available,
6 feasible, and cost-effective measures by the earliest practicable
7 date to reduce health risks from particulate air pollution and to
8 achieve state ambient air standards for particulate matter.

9 (d) For the purposes of this section, the determination of
10 whether a measure is “cost-effective” shall be made based upon
11 the process specified in Section 40922.

12 (e) *In identifying control measures for woodstoves and*
13 *fireplaces pursuant to subparagraph (B) of paragraph (1) of*
14 *subdivision (a), the state board shall include a consideration of*
15 *rules and regulations encouraging the use of wood fuel appliances*
16 *that meet the standards established in Subpart AAA of Part 60 of*
17 *Title 40 of the Code of Federal Regulations.*

18 SEC. 3. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution for
20 certain costs that may be incurred by a local agency or school
21 district because in that regard this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.

27 However, notwithstanding Section 17610 of the Government
28 Code, if the Commission on State Mandates determines that this
29 act contains other costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code. If the statewide cost of the
33 claim for reimbursement does not exceed one million dollars
34 (\$1,000,000), reimbursement shall be made from the State
35 Mandates Claims Fund.

